

REMARKS

This Amendment is submitted prior to continued examination of the present application and is responsive to the official action dated November 9, 2006. Claims 1-64 were pending in the application. In the November 9<sup>th</sup> action, claims 41-63 were withdrawn from consideration, and claims 1-40 and 64 were rejected. In this Amendment, claims 1, 7, 9, 15, 17, 19, 25, 27, 33, 35, and 37 have been amended, and claims 3, 21, 39, and 64 have been canceled. Claims 1, 2, 4-20, 22-38, and 40 thus remain for consideration.

Applicant submits that claims 1, 2, 4-20, 22-38, and 40 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-40 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawara et al. (U.S. Patent 6,278,836).

Claims 3, 21, 39, and 64 have been canceled, thereby rendering their rejections moot.

Applicant submits that the independent claims (claims 1, 19, and 37) are patentable over Kawara.

Applicant's invention as recited in the independent claims is directed toward an information processing device, an information processing method, and a storage medium storing a program for implementing the information processing method. Each of the claims recites "detecting a survival rate of digital watermark information associated with [] contents;" and "controlling the output of said contents on the basis of said survival rate." The claims further recite "[controlling] the output of said contents on the basis of copy control information when said survival rate is higher than a predetermined

threshold, and [controlling] the output of said contents on the basis of usage information when said survival rate is lower than said predetermined threshold." Supporting disclosure regarding the recited output-control aspects of Applicant's invention can be found in the specification at, for example, page 15, lines 20-26; page 16, lines 4-11; and Fig. 10.

Kawara does not disclose the recited output-control aspects of Applicant's invention. Accordingly, Applicant believes that claims 1, 19, and 37 are patentable over Kawara on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2, 4-18, 20, 22-36, 38, and 40 are patentable over Kawara for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.


Application No.: 09/869,258

Docket No.: SONYTA 3.3-131

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: March 8, 2007

Respectfully submitted,

By 

Bruno Polito

Registration No.: 38,580

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

719405\_1.DOC